

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L. NASH,

Plaintiff,

v.

BETHANY M. GRAVES,

Defendants.

CASE NO. C10-5338RJB

ORDER TO SHOW CAUSE WHY IN
FORMA PAUPERIS STATUS
SHOULD NOT BE DENIED

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion to proceed in forma pauperis.

In the proposed complaint, plaintiff represents to the court he has only filed four, 4, prior actions. Review of this court's files shows he has been granted in forma pauperis status eight, 8, times in this district alone. Further, from review of the proposed complaint it appears plaintiff is collaterally challenging his length of confinement and the propriety of a parole revocation.

The actions plaintiff has filed in this district where he proceeded in forma pauperis are:

1. Nash v. Waddington 04-CV-5161FDB
2. Nash v. DOC 04-CV-5287RBL
3. Nash v. Washington State 04-CV-5785FDB

4. Nash v. Waddington 06-CV-5127RJB
5. Nash v. Graves 10-CV-5151RBL
6. Nash v. Vancouver Police Department 10-CV-5055RBL
7. Nash v. Vail 09-CV-5178RBL
8. Nash v. Clark County Sheriff's Department 10-CV-5070BHS


The last four of these cases are still open as of June 8, 2010, and plaintiff is asking permission to open a fifth case at public expense.

In this action plaintiff appears to be collaterally challenging a parole revocation and the length of his sentence. The court is concerned plaintiff is abusing the in forma pauperis statute. The court reaches this conclusion based on the failure of plaintiff to disclose all prior litigation, the number of open actions where plaintiff is proceeding in forma pauperis, and the nature of the claims in this action. A district court has wide discretion in deciding whether to grant an inmate the privilege of proceeding in forma pauperis and the court may consider prior filings.

O'Loughlin v. John Doe, 920 F2d. 614 (9th Cir. 1990).

Plaintiff is ordered to show cause on or before **July 16, 2010**, why the court should not recommend his application to proceed in forma pauperis be denied.

DATED this day of 8th June, 2010.



J. Richard Creatura
United States Magistrate Judge